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8 UNITED STATES DISTRICT COURT
9 FOR THE CENTRAL DISTRICT OF CALIFORNIA

10
11 CONSTRUCTION LABORERS TRUST
FUNDS FOR SOUTHERN
12 CALIFORNIA ADMINISTRATIVE
COMPANY, a Delaware limited liability
13 company,

14 Plaintiff,

15 v.

16 MARK THOMAS BATES, an individual
doing business as PACIFIC COAST
17 MARKINGS; PACIFIC COAST
MARKINGS, INC., a California
18 corporation; CAROLINO
CONSTRUCTION CORPORATION, a
19 California corporation;
INTERNATIONAL FIDELITY
20 INSURANCE COMPANY, a New Jersey
corporation; SURETEC INSURANCE
21 COMPANY, a Texas corporation,

22 Defendants.
23

CASE NO. EDCV13-1631 VAP (DTBx)

**~~PROPOSED~~ JUDGMENT
PURSUANT TO STIPULATION
AGAINST DEFENDANTS MARK
THOMAS BATES AND PACIFIC
COAST MARKINGS, INC.**

24 Claims 5 and 6 brought by plaintiff CONSTRUCTION LABORERS TRUST
25 FUNDS FOR SOUTHERN CALIFORNIA ADMINISTRATIVE COMPANY
26 ("CLTF" where not referred to by its full above-captioned name) have been
27 dismissed. [See Court Document Nos. 12 and 30.] As a result, defendants
28 CAROLINO CONSTRUCTION CORPORATION, INTERNATIONAL FIDELITY

1 INSURANCE COMPANY, and SURETEC INSURANCE COMPANY
 2 (“SURETEC”) have been dismissed from this action. SURETEC has dismissed its
 3 counterclaim in its entirety. [See Court Document No. 26.] The claims for relief that
 4 remain are CLTF’s Claims 1 through 4, each against defendants MARK THOMAS
 5 BATES an individual doing business as PACIFIC COAST MARKINGS (“BATES”
 6 where not referred to by his full above-captioned name) and PACIFIC COAST
 7 MARKINGS, INC. (“PACIFIC INC” where not referred to by its full above-captioned
 8 name).

9 CLTF, BATES and PACIFIC INC have filed a stipulation (“Stipulation”) for:
 10 (a) entry of judgment in favor of CLTF and against BATES and PACIFIC INC,
 11 jointly and severally, for monetary damages (in resolution of CLTF’s first and fourth
 12 claims for relief) and injunctive relief ordering BATES and PACIFIC INC to comply
 13 with their obligations to submit fringe benefit contributions to the employee benefit
 14 plans on whose behalf CLTF brought this action (in resolution of CLTF’s third claim
 15 for relief); and (b) dismissal of CLTF’s second claim for relief contingent on entry of
 16 judgment in accordance with the Stipulation.

17 Pursuant to the Stipulation and good cause appearing therefore,
 18

19 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:**

20
 21 **1. JUDGMENT IS ENTERED IN FAVOR OF THE PLAINTIFF,**
 22 CONSTRUCTION LABORERS TRUST FUNDS FOR SOUTHERN CALIFORNIA
 23 ADMINISTRATIVE COMPANY, a Delaware limited liability company, an
 24 administrator of, agent for collection for, fiduciary to, and on behalf of the Laborers
 25 Health And Welfare Trust Fund For Southern California, Construction Laborers
 26 Pension Trust For Southern California, Construction Laborers Vacation Trust For
 27 Southern California, Laborers Training And Re-Training Trust Fund For Southern
 28 California, Fund For Construction Industry Advancement, Center For Contract

1 Compliance, Laborers Contract Administration Trust Fund For Southern California,
 2 Laborers' Trusts Administrative Trust Fund For Southern California, Plaster Tenders
 3 Apprentice And Training Trust Fund For Southern California, and Plastering Trades
 4 Administrative Trust Fund (collectively "TRUST FUNDS"), and jointly and severally
 5 against defendants MARK THOMAS BATES, an individual doing business as
 6 PACIFIC COAST MARKINGS, and PACIFIC COAST MARKINGS, INC., a
 7 California corporation, for monetary damages in the principal amount of \$111,837.64
 8 (consisting of \$42,916.85 in unpaid fringe benefit contributions, \$12,092.31 in
 9 interest, \$60,404.16 in liquidated damages, \$3,760.00 in audit fees, plus \$70.00 in fees
 10 for checks submitted with insufficient funds, minus a credit of \$7,405.68), plus
 11 accrued interest after judgment at the legal rate.

12
 13 2. The TRUST FUNDS have not conducted a full audit of the records of
 14 defendants BATES and PACIFIC INC. for any months after November 2013. The
 15 monetary judgment issued hereby in paragraph "1" above shall not, and does not, have
 16 *res judicata* effect, operate as a bar or effect any other limitation of any right of the
 17 TRUST FUNDS to determine and collect any additional amounts due by BATES
 18 and/or PACIFIC INC for months after November 2013.

19
 20 3. **PERMANENT INJUNCTIVE RELIEF IS HEREBY GRANTED:**

21
 22 3.A. AGAINST DEFENDANT BATES as follows: MARK THOMAS
 23 BATES, an individual doing business as PACIFIC COAST MARKINGS, is hereby
 24 ordered to deliver or cause to be delivered to the Trust Funds by no later than 4:30
 25 p.m. on the 20th day of each month for the duration of the Southern California Master
 26 Labor Agreement, the Laborers' Master Parking and Highway Improvement
 27 Agreement (Striping, Slurry and Seal Coat Operations), and any other present or
 28 future collective bargaining agreement requiring him to contribute to the TRUST

1 FUNDS (unless he has for the month both inactivated his account with the TRUST
 2 FUNDS in accordance with the terms of the applicable agreements and has in fact not
 3 performed any work covered by the applicable agreements):

4 3.A.1. Truthfully and accurately completed monthly fringe benefit
 5 contribution report(s) covering all of his present and future
 6 accounts with the TRUST FUNDS, collectively identifying all
 7 persons for whom fringe benefit contributions are owed to the
 8 Trust Funds for the previous month, and, itemized by person, the
 9 hours of work they performed for which fringe benefit
 10 contributions are due;

11 3.A.2. An affidavit or declaration from him attesting under penalty of
 12 perjury to the completeness, truthfulness and accuracy of each
 13 monthly report submitted; and

14 3.A.3. A check or checks made payable to the "Construction Laborers
 15 Trust Funds for Southern California" totaling the full amount of
 16 fringe benefit contributions due by him to the TRUST FUNDS for
 17 the previous month (as set forth on the monthly report(s)
 18 submitted).

19
 20 3.B. AGAINST DEFENDANT PACIFIC COAST as follows:

21 PACIFIC COAST MARKINGS, INC., California corporation, and its managing
 22 agents and employees, and all those in active concert or participation with any one or
 23 more of them (including but not limited to defendant Mark Thomas Bates), are hereby
 24 ordered to deliver or cause to be delivered to the Trust Funds by no later than 4:30
 25 p.m. on the 20th day of each month for the duration of the Southern California Master
 26 Labor Agreement, the Laborers' Master Parking and Highway Improvement
 27 Agreement (Striping, Slurry and Seal Coat Operations), and any other present or
 28 future collective bargaining agreement requiring Pacific Coast Markings, Inc. to

1 contribute to the TRUST FUNDS (unless Pacific Coast Markings, Inc. has for the
 2 month both inactivated its account with the TRUST FUNDS in accordance with the
 3 terms of the applicable agreements and has in fact not performed any work covered by
 4 the applicable agreements):

5 3.B.1. Truthfully and accurately completed monthly fringe benefit
 6 contribution report(s) covering all of Pacific Coast Markings,
 7 Inc.'s present and future accounts with the TRUST FUNDS,
 8 collectively identifying all persons for whom fringe benefit
 9 contributions are owed to the Trust Funds for the previous month,
 10 and, itemized by person, the hours of work they performed for
 11 which fringe benefit contributions are due;

12 3.B.2. An affidavit or declaration from a managing officer or other
 13 managing agent of Pacific Coast Markings, Inc. attesting under
 14 penalty of perjury to the completeness, truthfulness and accuracy
 15 of each monthly report submitted; and

16 3.B.3. A check or checks made payable to the "Construction Laborers
 17 Trust Funds for Southern California" totaling the full amount of
 18 fringe benefit contributions due by Pacific Coast Markings, Inc. to
 19 the TRUST FUNDS for the previous month (as set forth on the
 20 monthly report(s) submitted).

21
 22 **THE FAILURE TO COMPLY WITH THE INJUNCTIONS**
 23 **ISSUED IN AND BY THIS JUDGMENT SHALL BE GROUNDS**
 24 **FOR CONTEMPT OF COURT**

25 *Virginia A. Phillips*

26 Dated: April 11,
 27 2014

28 By: HONORABLE JUDGE VIRGINIA A. PHILLIPS
 U.S. DISTRICT COURT JUDGE

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